

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**JOHN DOE**

**Plaintiff,**

**vs.**

**Case No. 1:17-cv-00401-TSE/MSN**

**MARYMOUNT UNIVERSITY,  
LINDA McMURDOCK,  
and  
JANE ROE**

**Defendants.**

**ANSWER AND GROUNDS OF DEFENSE OF  
DEFENDANT JANE ROE**

Defendant JANE ROE (hereinafter “Defendant Roe”), by and through her undersigned counsel, responds to Plaintiff’s Complaint as follows:

**ANSWER**

Defendant Roe responds to the individually numbered paragraphs of Plaintiff’s Complaint as follows:

**Nature of the Case**

1. The allegations in Paragraph 1 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 1, which are deemed denied.

2. The allegations in Paragraph 2 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 2, which are deemed denied.

3. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 3 of the Complaint, and, therefore, denies the same.

4. Defendant Roe denies the allegations of Paragraph 4 of the Complaint.

5. Defendant Roe denies the allegations in Paragraph 5 of the Complaint.

6. Defendant Roe admits the allegations in Paragraph 6 only to the extent that the referenced text messages speak for themselves. Otherwise, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 6, which are deemed denied.

7. Defendant Roe denies the allegations in Paragraph 7 of the Complaint.

8. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 8 of the Complaint, and, therefore, denies the same.

9. Defendant Roe denies the allegations in Paragraph 9 of the Complaint.

10. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 10 of the Complaint, and, therefore, denies the same.

11. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 11 of the Complaint, and, therefore, denies the same.

12. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 12 of the Complaint, and, therefore, denies the same.

13. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 13 of the Complaint, and, therefore, denies the same.

14. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 14 of the Complaint, and, therefore, denies the same.

15. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 15 of the Complaint, and, therefore, denies the same.

16. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 16 of the Complaint, and, therefore, denies the same.

17. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 17 of the Complaint, and, therefore, denies the same.

18. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 18 of the Complaint, and, therefore, denies the same.

### **Jurisdiction and Venue**

19. As to Paragraph 19, Defendant Roe admits only that she is a resident of the Commonwealth of Virginia. Paragraph 19 states legal conclusions to which no response is required. To the extent that a further response is deemed necessary, Defendant Roe lacks sufficient information to form a belief as to the truth of the remaining allegations, and therefore denies the same.

20. Paragraph 20 states legal conclusions to which no response is required. To the extent that a further response is deemed necessary, Defendant Roe admits that a substantial part of the alleged events giving rise to Mr. Doe's claim occurred within the Eastern District of Virginia.

### **Parties**

21. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 21 of the Complaint, and, therefore, denies the same.

22. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 22 of the Complaint, and, therefore, denies the same.

23. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 23 of the Complaint, and, therefore, denies the same.

24. As to Paragraph 24, Defendant Roe admits that she is a citizen of the Commonwealth of Virginia and that she graduated from Marymount University in 2017.

**Statement of Facts**

25. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 25 of the Complaint, and, therefore, denies the same.

***University Policies and Procedures***

26. The allegations in Paragraph 26 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 26 of the Complaint, and, therefore, denies the same.

27. The allegations in Paragraph 27 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 27 of the Complaint, and, therefore, denies the same.

28. The allegations in Paragraph 28 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 28 of the Complaint, and, therefore, denies the same.

29. The allegations in Paragraph 29 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 29 of the Complaint, and, therefore, denies the same.

30. The allegations in Paragraph 30 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 30 of the Complaint, and, therefore, denies the same.

31. The allegations in Paragraph 31 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 31 of the Complaint, and, therefore, denies the same.

32. The allegations in Paragraph 32 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 32 of the Complaint, and, therefore, denies the same.

33. The allegations in Paragraph 33 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 33 of the Complaint, and, therefore, denies the same.

34. The allegations in Paragraph 34 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 34 of the Complaint, and, therefore, denies the same.

35. The allegations in Paragraph 35 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 35 of the Complaint, and, therefore, denies the same.

36. The allegations in Paragraph 36 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 36 of the Complaint, and, therefore, denies the same.

37. The allegations in Paragraph 37 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 37 of the Complaint, and, therefore, denies the same.

38. The allegations in Paragraph 38 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 38 of the Complaint, and, therefore, denies the same.

39. The allegations in Paragraph 39 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 39 of the Complaint, and, therefore, denies the same.

40. The allegations in Paragraph 40 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 40 of the Complaint, and, therefore, denies the same.

41. The allegations in Paragraph 41 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 41 of the Complaint, and, therefore, denies the same.

42. The allegations in Paragraph 42 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 42 of the Complaint, and, therefore, denies the same.

43. The allegations in Paragraph 43 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 43 of the Complaint, and, therefore, denies the same.

44. The allegations in Paragraph 44 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 44 of the Complaint, and, therefore, denies the same.

45. The allegations in Paragraph 45 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 45 of the Complaint, and, therefore, denies the same.

46. The allegations in Paragraph 46 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 46 of the Complaint, and, therefore, denies the same.

47. The allegations in Paragraph 47 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 47 of the Complaint, and, therefore, denies the same.

48. The allegations in Paragraph 48 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 48 of the Complaint, and, therefore, denies the same.

49. The allegations in Paragraph 49 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 49 of the Complaint, and, therefore, denies the same.

50. The allegations in Paragraph 50 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 50 of the Complaint, and, therefore, denies the same.

51. The allegations in Paragraph 51 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 51 of the Complaint, and, therefore, denies the same.

52. The allegations in Paragraph 52 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 52 of the Complaint, and, therefore, denies the same.

53. The allegations in Paragraph 53 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 53 of the Complaint, and, therefore, denies the same.

54. The allegations in Paragraph 54 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 54 of the Complaint, and, therefore, denies the same.

55. The allegations in Paragraph 55 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 55 of the Complaint, and, therefore, denies the same.

56. The allegations in Paragraph 56 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 56 of the Complaint, and, therefore, denies the same.

57. The allegations in Paragraph 57 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 57 of the Complaint, and, therefore, denies the same.

58. The allegations in Paragraph 58 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 58 of the Complaint, and, therefore, denies the same.

***The [Alleged] Incident***

59. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 59 of the Complaint, and, therefore, denies the same.

60. Defendant Roe admits that she made contact with Mr. Doe and that they began communicating. Otherwise, Defendant Roe denies the allegations of Paragraph 60.

61. Defendant Roe admits the allegations of Paragraph 61.

62. Defendant Roe admits the allegations in Paragraph 62 only to the extent that the referenced text messages speak for themselves.

63. Defendant Roe generally denies Plaintiff's characterization of the events occurring in his dorm room on or about November 8, 2014 as alleged in Paragraph 63.

64. Defendant Roe generally denies Plaintiff's characterization of the events occurring in his dorm room on or about November 8, 2014 as alleged in Paragraph 64.

65. Defendant Roe generally denies Plaintiff's characterization of the events occurring in his dorm room on or about November 8, 2014 as alleged in Paragraph 65.

66. Defendant Roe generally denies Plaintiff's characterization of the events occurring in his dorm room on or about November 8, 2014 as alleged in Paragraph 66.

67. Defendant Roe generally denies Plaintiff's characterization of the events occurring in his dorm room on or about November 8, 2014 as alleged in Paragraph 67.

68. Defendant Roe generally denies Plaintiff's characterization of the events occurring in his dorm room on or about November 8, 2014 as alleged in Paragraph 68.

69. Defendant Roe generally denies Plaintiff's characterization of the events occurring in his dorm room on or about November 8, 2014 as alleged in Paragraph 69.

70. Defendant Roe admits the allegations in Paragraph 70 only to the extent that the referenced text messages speak for themselves. Otherwise, Defendant Roe denies the remaining allegations of Paragraph 70.

71. Defendant Roe admits the allegations in Paragraph 71 only to the extent that the referenced text messages speak for themselves. Otherwise, Defendant Roe denies the remaining allegations of Paragraph 71.

72. Defendant Roe admits the allegations in Paragraph 72 only to the extent that the referenced text messages speak for themselves. Otherwise, Defendant Roe denies the remaining allegations of Paragraph 72.

73. Defendant Roe admits the allegations in Paragraph 73 only to the extent that the referenced text messages speak for themselves. Otherwise, Defendant Roe denies the remaining allegations of Paragraph 73.

74. As to Paragraph 74, Defendant Roe admits that she and Plaintiff did not communicate after November 21, 2014.

75. Paragraph 75 is based on what other students allegedly told Defendant Marymount. Defendant Roe was not a party to such discussions, therefore, she lacks sufficient information to admit or deny the allegations in Paragraph 75 of the Complaint, which are deemed denied.

76. Paragraph 76 is based on what other students allegedly told Defendant Marymount. Defendant Roe was not a party to such discussions, therefore, she lacks sufficient information to admit or deny the allegations in Paragraph 76 of the Complaint, which are deemed denied.

77. Paragraph 77 is based on what other students allegedly told Defendant Marymount. Defendant Roe was not a party to such discussions, therefore, she denies the allegations in Paragraph 77 of the Complaint, which are deemed denied.

78. Paragraph 78 is based on what other students allegedly told Defendant Marymount. Defendant Roe was not a party to such discussions, therefore, she denies the allegations in Paragraph 78 of the Complaint, which are deemed denied.

79. Paragraph 79 is based on what other students allegedly told Defendant Marymount. Defendant Roe was not a party to such discussions, therefore, she lacks sufficient information to admit or deny the allegations in Paragraph 79 of the Complaint, which are deemed denied.

***Ten Months Later, Mr. Doe Is [Allegedly] Notified of Ms. Roe's Allegations  
That He Sexually Assaulted Her***

80. The allegations in Paragraph 80 of the Complaint are not directed at Defendant Roe. As such, Defendant lacks sufficient information to admit or deny the allegations in Paragraph 80 of the Complaint, and, therefore, denies the same.

81. The allegations in Paragraph 81 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 81 of the Complaint, and, therefore, denies the same.

82. The allegations in Paragraph 82 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 82 of the Complaint, and, therefore, denies the same.

83. The allegations in Paragraph 83 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 83 of the Complaint, and, therefore, denies the same.

84. The allegations in Paragraph 84 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 84 of the Complaint, and, therefore, denies the same.

85. The allegations in Paragraph 85 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 85 of the Complaint, and, therefore, denies the same.

86. The allegations in Paragraph 86 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 86 of the Complaint, and, therefore, denies the same.

87. The allegations in Paragraph 87 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 87 of the Complaint, and, therefore, denies the same.

88. The allegations in Paragraph 88 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 88 of the Complaint, and, therefore, denies the same.

***The Investigation [by Defendant Marymount University]***

89. The allegations in Paragraph 89 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 89 of the Complaint, and, therefore, denies the same.

90. The allegations in Paragraph 90 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 90 of the Complaint, and, therefore, denies the same.

91. The allegations in Paragraph 91 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 91 of the Complaint, and, therefore, denies the same.

92. The allegations in Paragraph 92 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 92 of the Complaint, and, therefore, denies the same.

93. The allegations in Paragraph 93 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 93 of the Complaint, and, therefore, denies the same.

94. The allegations in Paragraph 94 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 94 of the Complaint, and, therefore, denies the same.

95. The allegations in Paragraph 95 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 95 of the Complaint, and, therefore, denies the same.

96. As to Paragraph 96, Defendant Roe admits that she was interviewed by Marymount's investigators.

97. As to Paragraph 97, Defendant Roe admits that she was interviewed on or about October 1, 2015.

98. Defendant Roe denies the allegations in Paragraph 98 of the Complaint.

99. Defendant Roe denies the allegations in Paragraph 99 of the Complaint.

100. Defendant Roe denies the allegations in Paragraph 100 of the Complaint.

101. Defendant Roe denies the allegations in Paragraph 101 of the Complaint.

102. Defendant Roe denies the allegations in Paragraph 102 of the Complaint.

103. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 103 of the Complaint, and, therefore, denies the same.

104. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 104 of the Complaint, and, therefore, denies the same.

105. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 105 of the Complaint, and, therefore, denies the same.

106. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 106 of the Complaint, and, therefore, denies the same.

107. The allegations in Paragraph 107 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 107 of the Complaint, and, therefore, denies the same.

108. Defendant Roe denies the remaining allegations of Paragraph 108.

109. The allegations in Paragraph 109 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 109 of the Complaint, and, therefore, denies the same.

110. The allegations in Paragraph 110 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 110 of the Complaint, and, therefore, denies the same.

111. The allegations in Paragraph 111 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 111 of the Complaint, and, therefore, denies the same.

112. The allegations in Paragraph 112 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 112 of the Complaint, and, therefore, denies the same.

113. The allegations in Paragraph 113 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 113 of the Complaint, and, therefore, denies the same.

114. The allegations in Paragraph 114 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 114 of the Complaint, and, therefore, denies the same.

115. The allegations in Paragraph 115 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 115 of the Complaint, and, therefore, denies the same.

116. The allegations in Paragraph 116 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 116 of the Complaint, and, therefore, denies the same.

117. The allegations in Paragraph 117 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 117 of the Complaint, and, therefore, denies the same.

118. The allegations in Paragraph 118 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 118 of the Complaint, and, therefore, denies the same.

119. The allegations in Paragraph 119 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 119 of the Complaint, and, therefore, denies the same.

120. The allegations in Paragraph 120 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 120 of the Complaint, and, therefore, denies the same.

121. The allegations in Paragraph 121 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 121 of the Complaint, and, therefore, denies the same.

122. The allegations in Paragraph 122 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 122 of the Complaint, and, therefore, denies the same.

123. The allegations in Paragraph 123 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 123 of the Complaint, and, therefore, denies the same.

124. The allegations in Paragraph 124 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 124 of the Complaint, and, therefore, denies the same.

125. The allegations in Paragraph 125 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 125 of the Complaint, and, therefore, denies the same.

126. The allegations in Paragraph 126 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 126 of the Complaint, and, therefore, denies the same.

127. The allegations in Paragraph 127 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 127 of the Complaint, and, therefore, denies the same.

128. The allegations in Paragraph 128 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 128 of the Complaint, and, therefore, denies the same.

129. The allegations in Paragraph 129 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 129 of the Complaint, and, therefore, denies the same.

130. The allegations in Paragraph 130 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 130 of the Complaint, and, therefore, denies the same.

131. The allegations in Paragraph 131 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 131 of the Complaint, and, therefore, denies the same.

132. The allegations in Paragraph 132 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 132 of the Complaint, and, therefore, denies the same.

133. The allegations in Paragraph 133 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 133 of the Complaint, and, therefore, denies the same.

134. The allegations in Paragraph 134 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 134 of the Complaint, and, therefore, denies the same.

135. The allegations in Paragraph 135 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 135 of the Complaint, and, therefore, denies the same.

136. The allegations in Paragraph 136 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 136 of the Complaint, and, therefore, denies the same.

***The Adjudication [by Defendant Marymount University]***

137. The allegations in Paragraph 137 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 137 of the Complaint, and, therefore, denies the same.

138. The allegations in Paragraph 138 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 138 of the Complaint, and, therefore, denies the same.

139. The allegations in Paragraph 139 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 139 of the Complaint, and, therefore, denies the same.

140. The allegations in Paragraph 140 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 140 of the Complaint, and, therefore, denies the same.

141. The allegations in Paragraph 141 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 141 of the Complaint, and, therefore, denies the same.

142. The allegations in Paragraph 142 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 142 of the Complaint, and, therefore, denies the same.

143. The allegations in Paragraph 143 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 143 of the Complaint, and, therefore, denies the same.

144. The allegations in Paragraph 144 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 144 of the Complaint, and, therefore, denies the same.

***The Decision and Sanction [by Defendant Marymount University]***

145. The allegations in Paragraph 145 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 145 of the Complaint, and, therefore, denies the same.

146. The allegations in Paragraph 146 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 146 of the Complaint, and, therefore, denies the same.

147. The allegations in Paragraph 147 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 147 of the Complaint, and, therefore, denies the same.

148. The allegations in Paragraph 148 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 148 of the Complaint, and, therefore, denies the same.

149. The allegations in Paragraph 149 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 149 of the Complaint, and, therefore, denies the same.

150. The allegations in Paragraph 150 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 150 of the Complaint, and, therefore, denies the same.

151. Defendant Roe denies the allegations in Paragraph 151 of the Complaint.

152. The allegations in Paragraph 152 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 152 of the Complaint, and, therefore, denies the same.

153. Defendant Roe admits Paragraph 153 only to the extent that the referenced letter speaks for itself. Otherwise, Defendant Roe denies the allegations of Paragraph 153 of the Complaint, and she specifically denies that any alleged communication was false and/or defamatory or that she made any alleged communication with malice.

154. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 154 of the Complaint, and, therefore, denies the same.

155. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 155 of the Complaint, and, therefore, denies the same.

156. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 156 of the Complaint, and, therefore, denies the same.

157. As to Paragraph 157, Defendant Roe admits that she submitted a written impact statement. She specifically denies that any alleged communication was false and/or defamatory or that she made any alleged communication with malice.

158. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 158 of the Complaint, and, therefore, denies the same.

159. Defendant Roe admits the allegations in Paragraph 159 only to the extent that the referenced document speaks for itself. Otherwise, Defendant Roe denies the remaining allegations of Paragraph 159 and specifically denies that any alleged communication was false and/or defamatory or that she made any alleged communication with malice.

160. Defendant Roe admits the allegations of Paragraph 160.

***Mr. Doe's Appeal [to Defendant Marymount University's Decision]***

161. The allegations in Paragraph 161 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 161 of the Complaint, and, therefore, denies the same.

162. The allegations in Paragraph 162 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 162 of the Complaint, and, therefore, denies the same.

163. The allegations in Paragraph 163 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 163 of the Complaint, and, therefore, denies the same.

164. The allegations in Paragraph 164 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 164 of the Complaint, and, therefore, denies the same.

165. As to Paragraph 165, Defendant Roe admits that she submitted an appeal response on or about July 23, 2016, and specifically denies that any alleged communication was false and/or defamatory or that she made any alleged communication with malice.

166. As to Paragraph 166, Defendant Roe admits the allegations only to the extent that the referenced text messages speak for themselves. Otherwise, Defendant Roe denies the allegations of Paragraph 166 and specifically denies that any alleged communication was false and/or defamatory or that she made any alleged communication with malice.

167. Defendant Roe admits the allegations in Paragraph 167 of the Complaint.

168. The allegations in Paragraph 168 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 168 of the Complaint, and, therefore, denies the same.

169. The allegations in Paragraph 169 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 169 of the Complaint, and, therefore, denies the same.

170. The allegations in Paragraph 170 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 170 of the Complaint, and, therefore, denies the same.

171. The allegations in Paragraph 171 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 171 of the Complaint, and, therefore, denies the same.

172. The allegations in Paragraph 172 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 172 of the Complaint, and, therefore, denies the same.

173. The allegations in Paragraph 173 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 173 of the Complaint, and, therefore, denies the same.

***Marymount [Allegedly] Denies Mr. Doe Access to Records  
Concerning Investigation and Adjudication***

174. The allegations in Paragraph 174 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 174 of the Complaint, and, therefore, denies the same.

175. The allegations in Paragraph 175 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 175 of the Complaint, and, therefore, denies the same.

176. The allegations in Paragraph 176 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 176 of the Complaint, and, therefore, denies the same.

177. The allegations in Paragraph 177 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 177 of the Complaint, and, therefore, denies the same.

178. The allegations in Paragraph 178 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 178 of the Complaint, and, therefore, denies the same.

179. The allegations in Paragraph 179 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 179 of the Complaint, and, therefore, denies the same.

180. The allegations in Paragraph 180 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 180 of the Complaint, and, therefore, denies the same.

181. The allegations in Paragraph 181 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 181 of the Complaint, and, therefore, denies the same.

182. The allegations in Paragraph 182 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 182 of the Complaint, and, therefore, denies the same.

183. The allegations in Paragraph 183 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 183 of the Complaint, and, therefore, denies the same.

***Other [Alleged] Evidence of an [Alleged] Pattern of Discrimination by Marymount in Response to Calls for a More Aggressive Approach to Allegations of Sexual Misconduct***

184. The allegations in Paragraph 184 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 184 of the Complaint, and, therefore, denies the same.

185. The allegations in Paragraph 185 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 185 of the Complaint, and, therefore, denies the same.

186. The allegations in Paragraph 186 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 186 of the Complaint, and, therefore, denies the same.

187. The allegations in Paragraph 187 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 187 of the Complaint, and, therefore, denies the same.

188. The allegations in Paragraph 188 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 188 of the Complaint, and, therefore, denies the same.

189. The allegations in Paragraph 189 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 189 of the Complaint, and, therefore, denies the same.

190. The allegations in Paragraph 190 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 190 of the Complaint, and, therefore, denies the same.

191. The allegations in Paragraph 191 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 191 of the Complaint, and, therefore, denies the same.

192. The allegations in Paragraph 192 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 192 of the Complaint, and, therefore, denies the same.

193. The allegations in Paragraph 193 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 193 of the Complaint, and, therefore, denies the same.

194. The allegations in Paragraph 194 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 194 of the Complaint, and, therefore, denies the same.

195. The allegations in Paragraph 195 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 195 of the Complaint, and, therefore, denies the same.

196. The allegations in Paragraph 196 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 196 of the Complaint, and, therefore, denies the same.

197. The allegations in Paragraph 197 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 197 of the Complaint, and, therefore, denies the same.

198. The allegations in Paragraph 198 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 198 of the Complaint, and, therefore, denies the same.

199. The allegations in Paragraph 199 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 199 of the Complaint, and, therefore, denies the same.

200. The allegations in Paragraph 200 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 200 of the Complaint, and, therefore, denies the same.

**COUNT I – VIOLATION OF TITLE IX (20 U.S.C. § 1681)**  
**(Defendant Marymount University)**

201. Paragraph 201 of the Complaint adopts and incorporates the allegations in the foregoing paragraphs as if fully set forth herein. Defendant Roe likewise adopts and incorporates its responses in to the foregoing paragraphs as if fully set forth herein.

202. The allegations in Paragraph 202 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 202 of the Complaint, which are deemed denied.

203. The allegations in Paragraph 203 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 203 of the Complaint, which are deemed denied.

204. The allegations in Paragraph 204 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 204 of the Complaint, which are deemed denied.

205. The allegations in Paragraph 205 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 205 of the Complaint, which are deemed denied.

206. The allegations in Paragraph 206 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 206 of the Complaint, which are deemed denied.

207. The allegations in Paragraph 207 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 207 of the Complaint, which are deemed denied.

208. The allegations in Paragraph 208 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 208 of the Complaint, which are deemed denied.

209. The allegations in Paragraph 209 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 209 of the Complaint, which are deemed denied.

210. The allegations in Paragraph 210 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 210 of the Complaint, which are deemed denied.

211. The allegations in Paragraph 211 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 211 of the Complaint, which are deemed denied.

212. The allegations in Paragraph 212 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 212 of the Complaint, which are deemed denied.

**COUNT II – BREACH OF CONTRACT**  
**(Defendant Marymount University)**

213. Paragraph 213 of the Complaint adopts and incorporates the allegations in the foregoing paragraphs as if fully set forth herein. Defendant Roe likewise adopts and incorporates its responses in to the foregoing paragraphs as if fully set forth herein.

214. The allegations in Paragraph 214 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 214 of the Complaint, which are deemed denied.

215. The allegations in Paragraph 215 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 215 of the Complaint, which are deemed denied.

216. The allegations in Paragraph 216 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 216 of the Complaint, which are deemed denied.

217. The allegations in Paragraph 217 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 217 of the Complaint, which are deemed denied.

218. The allegations in Paragraph 218 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 218 of the Complaint, which are deemed denied.

219. The allegations in Paragraph 219 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 219 of the Complaint, which are deemed denied.

220. The allegations in Paragraph 220 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 220 of the Complaint, which are deemed denied.

**COUNT III – BREACH OF COVENANT OF GOOD FAITH AND FAIR DEALING**  
**(Defendant Marymount University)**

221. Paragraph 221 of the Complaint adopts and incorporates the allegations in the foregoing paragraphs as if fully set forth herein. Defendant Roe likewise adopts and incorporates its responses in to the foregoing paragraphs as if fully set forth herein.

222. The allegations in Paragraph 222 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 222 of the Complaint, which are deemed denied.

223. The allegations in Paragraph 223 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 223 of the Complaint, which are deemed denied.

224. The allegations in Paragraph 224 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 224 of the Complaint, which are deemed denied.

225. The allegations in Paragraph 225 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 225 of the Complaint, which are deemed denied.

**COUNT IV – NEGLIGENCE**  
**(Defendants Marymount University and Linda McMurdock)**

226. Paragraph 226 of the Complaint adopts and incorporates the allegations in the foregoing paragraphs as if fully set forth herein. Defendant Roe likewise adopts and incorporates its responses in to the foregoing paragraphs as if fully set forth herein.

227. The allegations in Paragraph 227 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 227 of the Complaint, which are deemed denied.

228. The allegations in Paragraph 228 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 228 of the Complaint, which are deemed denied.

229. The allegations in Paragraph 229 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 229 of the Complaint, which are deemed denied.

230. The allegations in Paragraph 230 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 230 of the Complaint, which are deemed denied.

231. The allegations in Paragraph 231 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 231 of the Complaint, which are deemed denied.

232. The allegations in Paragraph 232 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 232 of the Complaint, which are deemed denied.

**COUNT V – BREACH OF DUTIES OWED UNDER THE LAW OF ASSOCIATIONS**  
**(Defendant Marymount University)**

233. Paragraph 233 of the Complaint adopts and incorporates the allegations in the foregoing paragraphs as if fully set forth herein. Defendant Roe likewise adopts and incorporates its responses in to the foregoing paragraphs as if fully set forth herein.

234. The allegations in Paragraph 234 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 234 of the Complaint, which are deemed denied.

235. The allegations in Paragraph 235 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 235 of the Complaint, which are deemed denied.

236. The allegations in Paragraph 236 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 236 of the Complaint, which are deemed denied.

237. The allegations in Paragraph 237 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 237 of the Complaint, which are deemed denied.

238. The allegations in Paragraph 238 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 238 of the Complaint, which are deemed denied.

239. The allegations in Paragraph 239 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 239 of the Complaint, which are deemed denied.

240. The allegations in Paragraph 240 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 240 of the Complaint, which are deemed denied.

241. The allegations in Paragraph 241 of the Complaint are not directed at Defendant Roe. As such, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 241 of the Complaint, which are deemed denied.

**COUNT VI – DEFAMATION *PER SE***  
**(Defendant Jane Roe)**

242. Paragraph 242 of the Complaint adopts and incorporates the allegations in the foregoing paragraphs as if fully set forth herein. Defendant Roe likewise adopts and incorporates its responses in to the foregoing paragraphs as if fully set forth herein.

243. Paragraph 243 is based on what other students allegedly told Defendant Marymount. Defendant Roe was not a party to such discussions, therefore, she lacks sufficient information to admit or deny the allegations in Paragraph 243 of the Complaint, which are deemed denied.

244. Paragraph 244 is based on what other students allegedly told Defendant Marymount. Defendant Roe was not a party to such discussions, therefore, she lacks sufficient information to admit or deny the allegations in Paragraph 244 of the Complaint, which are deemed denied.

245. Paragraph 245 is based on what other students allegedly told Defendant Marymount. Defendant Roe was not a party to such discussions, therefore, she lacks sufficient information to admit or deny the allegations in Paragraph 245 of the Complaint, which are deemed denied.

246. Paragraph 246 is based on what other students allegedly told Defendant Marymount. Defendant Roe was not a party to such discussions, therefore, she lacks sufficient information to admit or deny the allegations in Paragraph 246 of the Complaint, which are deemed denied.

247. Paragraph 247 is based on what other students allegedly told Defendant Marymount. Defendant Roe was not a party to such discussions, therefore, she lacks sufficient information to admit or deny the allegations in Paragraph 247 of the Complaint, which are deemed denied.

248. Defendant Roe denies that she made any statements that defamed the Plaintiff. Otherwise, Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 248 of the Complaint, which are deemed denied.

249. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 249 of the Complaint, which are deemed denied.

250. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 250 of the Complaint, which are deemed denied.

251. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 251 of the Complaint, which are deemed denied.

252. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 252 of the Complaint, which are deemed denied.

253. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 253 of the Complaint, which are deemed denied.

254. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 254 of the Complaint, which are deemed denied.

255. Defendant Roe admits the allegations in Paragraph 255 only to the extent they are consistent with the communications made during the interview on or about October 1, 2015. Otherwise, Defendant Roe denies the remaining allegations of Paragraph 255, and specifically denies that any alleged communication was false and/or defamatory or that she made any alleged communication with malice.

256. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 256 of the Complaint, and, therefore, denies the same.

257. As to Paragraph 230, Defendant Roe admits that she submitted a victim impact statement, and specifically denies that any alleged communication was false and/or defamatory or that she made any alleged communication with malice.

258. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 258 of the Complaint, and, therefore, denies the same.

259. Defendant Roe admits the allegations in Paragraph 259 only to the extent they are consistent with the impact statement referenced therein. Otherwise, Defendant Roe denies the remaining allegations of Paragraph 259, and specifically denies that any alleged communication was false and/or defamatory or that she made any alleged communication with malice.

260. Defendant Roe lacks sufficient information to admit or deny the allegations in Paragraph 260 of the Complaint, and, therefore, denies the same.

261. As to Paragraph 261, Defendant Roe admits that she submitted an appeal response, and specifically denies that any alleged communication was false and/or defamatory or that she made any alleged communication with malice.

262. Defendant Roe admits the allegations in Paragraph 262 only to the extent they are consistent with the appeal response referenced therein. Otherwise, Defendant Roe denies the

remaining allegations of Paragraph 262, and specifically denies that any alleged communication was false and/or defamatory or that she made any alleged communication with malice.

263. Defendant Roe denies the allegations in Paragraph 263 of the Complaint.

264. The allegations in Paragraph 264 of the Complaint consist of legal conclusions to which no response is required. To the extent a response is required, Defendant Roe denies the allegations.

265. Defendant Roe denies the allegations in Paragraph 265 of the Complaint.

266. Defendant Roe denies the allegations in Paragraph 266 of the Complaint.

267. Defendant Roe denies the allegations in Paragraph 267 of the Complaint.

Defendant Roe denies that Plaintiff is entitled to the relief requested in the “WHEREFORE” paragraph immediately following Paragraph 267 of the Complaint.

Anything not specifically admitted, denied, or otherwise addressed above is denied.

### **DEFENSES**

Defendant Roe relies on the following defenses:

- 1) The Complaint fails to state a claim as a matter of law and has otherwise failed to alleged facts, in whole or in part, against Defendant Jane Roe upon which relief can be granted.
- 2) Plaintiff’s defamation *per se* claim is barred under the statute of limitations, codified at Va. Code Ann. § 8.01-247.1.
- 3) The Complaint fails specifically alleged the words attributed to Defendant Jane Roe that constitutes Plaintiff’s defamation *per se*. See *McGuire v. IBM Corp.*, 2011 U.S. Dist. LEXIS 100893, at \*14-15 (E.D. Va. 2011). See also Va. Code Ann. § 8.01-271.1 (2008).

4) To the extent Defendant Roe made any statements regarding Plaintiff, Defendant Roe had an absolute privilege to make such statements, which precludes recovery on a claim for defamation *per se*.

5) To the extent Defendant Roe made any statements regarding Plaintiff, Defendant Roe had a qualified privilege to make such statements, which precludes recovery on a claim for defamation *per se*.

6) To the extent Defendant Roe made any statements regarding Plaintiff, those statements were made in good faith and without malicious intent to cause injury to Plaintiff.

7) Plaintiff has failed to allege facts that would constitute malice or a reckless disregard for the truth.

8) To the extent Defendant Roe made any statements regarding Plaintiff, those statements constitute pure opinion, in whole or in part, which precludes recovery on a claim for defamation *per se*.

9) To the extent Defendant Roe made any statements regarding Plaintiff, those statements are based on mixed opinion, in whole or in part, which precludes recovery on a claim for defamation *per se*.

10) To the extent Defendant Roe made any statements regarding Plaintiff, those statements are protected by the First Amendment, which precludes recovery on a claim for defamation *per se*.

11) To the extent that Plaintiff has been damaged in any way, which is expressly denied herein, Plaintiff's claims for damages is barred or reduced by his failure to take reasonable steps to mitigate his alleged damages.

12) Plaintiff's claim for defamation against Defendant Roe is barred because an injury to Plaintiff's reputation was caused by his own conduct and/or wrongful acts and he can show no incremental harm caused by any statement allegedly published by Defendant Roe.

13) Any damages that Plaintiff has suffered are a result of his own actions or inactions.

14) Defendant Roe reserves the right to assert and/or rely upon any other affirmative or further defenses established through the course of discovery.

WHEREFORE, having answered Plaintiff's Complaint, Defendant Jane Roe respectfully requests that this Court enter judgment in her favor, dismiss all claims against her with prejudice, and award her all costs and fees to which she may be entitled, and any other and further relief as this Court may deem just and proper.

**DEMAND FOR JURY**

Defendant Jane Roe requests that all issues triable by a jury be so tried in this case.

Dated: October 13, 2017

Respectfully submitted,

/s/ Jason R. Waters  
Jason R. Waters, VSB #73887  
Catherine J. Malycke VSB #84952  
WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
8444 Westpark Drive, Suite 510  
McLean, VA 22102-5102  
jason.waters@wilsonelser.com  
catherine.malycke@wilsonelser.com  
(703) 245-9300 (telephone)  
(703) 245-9301 (facsimile)  
*Counsel for Defendant Jane Roe*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was served via Electronic Case Filing

(ECF) this 13th day of October, 2017 to:

Justin Dillon, Esq.  
KaiserDillon PLLC  
1401 K Street NW, Suite 600  
Washington, DC 20005  
(202) 640-2850 (telephone)  
jdillon@kaiserdillon.com  
*Counsel for Plaintiff*

Jason A. Ross, Esq.  
Saul Ewing LLP  
1919 Pennsylvania Ave., Suite 550  
Washington, DC 20006-3434  
(202) 333-8800 (telephone)  
jross@saul.com  
*Counsel for Defendants Marymount University  
and Linda McMurdock*

Joshua W. B. Richards, Esq.  
*(Admitted pro hac vice)*  
jrichards@saul.com  
Saul Ewing LLP  
1500 Market Street, 38th Floor  
Philadelphia, PA 19102  
Tel: (215) 972-7777  
Fax: (215) 972- 1831  
*Counsel for Defendants Marymount University  
and Linda McMurdock*

William D. Nussbaum, Esq.  
*(Admitted pro hac vice)*  
wnussbaum@saul.com  
Saul Ewing LLP  
1919 Pennsylvania Avenue, NW, Suite 550  
Washington, D.C. 20006-3434  
Tel: (202) 295-6652  
Fax: (202) 295-6715  
*Counsel for Defendants Marymount University  
and Linda McMurdock*

/s/ Jason R. Waters

Jason R. Waters, VSB #73887  
Catherine J. Malycke VSB #84952  
WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
8444 Westpark Drive, Suite 510  
McLean, VA 22102-5102  
jason.waters@wilsonelser.com  
catherine.malycke@wilsonelser.com  
(703) 245-9300 (telephone)  
(703) 245-9301 (facsimile)  
*Counsel for Defendant Jane Roe*